IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(*Special Original Jurisdiction*)

TUESDAY, THE TWENTYSEVENTH DAY OF NOVEMBER
TWO THOUSAND AND SEVEN.

P R E S E N T

THE HON'BLE SRI JUSTICE P.S. NARAYANA

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WRIT PETITION No. 24952 of 2007

Between:

S.Krishnam Raju **… Petitioner**

Versus

The Govt. of India & Ors. **… Respondents**

Counsel for the Petitioner: SRI V. MALLIK

Counsel for the Respondents: Govt. Pleader for Civil Supplies

THE HON'BLE SRI JUSTICE P.S. NARAYANA

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WRIT PETITION No. 24952 of 2007

O R D E R :

Heard the learned counsel for the writ petitioner and the

learned Assistant Solicitor General representing Respondent No.1 and the Assistant Govt.Pleader for Industries representing Respondent Nos. 2 and 3.

2. The writ petition is filed for a writ of mandamus declaring the order passed by the first respondent in File No.2 (15)/2007, RC-II, dated 20-9-2007 dismissing the revision application filed by the petitioner as illegal, arbitrary and contrary to the Mineral Concession Rules, 1960 and to set aside the same and further to direct the second respondent to renew the mining lease for Quartz of the petitioner over an extent of 25 acres in survey no. 54/P, Maharajapuram village, Chirvel Mandal, Kadapa district and to pass such other suitable order as this Court may deems fit and proper in the circumstances of the case.

3. The impugned order made by the first respondent reads as hereunder:

File No.2 (15)/2007, RC-II,
dated 20-9-2007

> The case was taken up for hearing today. Heard Shri Y.Krishna Murthy, authorized signatory of Sri Maruti Kinerals. The State Government was represented by Shri BRV Susheel Kumar, Joint Collector, Mines and Geology, Govt. of Andhra Pradesh.
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> 2. Through the impugned order dated 26-5-2005, the State Government had rejected the renewal of mining lease application of Shri S.Krishna Raju, mine owner of Sri

Maruthi Minerals on account of non-payment of dues and the said mining lease had lapsed on 20-5-1999. The applicant filed the Revision Application on 18-3-2006, whereas the impugned order is dated 26-5-2005. Therefore, the instant Revision Application has been filed late by seven months. The party has neither filed any reasons for delay in filing the instant Revision Application nor they have filed any application for condonation of delay.

3. In view of the above, no logical reasons have been given in the instant Revision Application for delay in filing the Revision Application within three months from the receipt of the impugned order. Therefore, I hold that the instant Revision Application is liable to be dismissed on account of delay in filing the Revision Application.

O R D E R

I hereby dismiss the instant Revision Application, accordingly.

Sd/- (AK. Mehta)
Director (Mines).

4. Several facts had been narrated in the affidavit filed in support of the writ petition and further strong reliance was placed on the language of Rule 54 of the Mineral Concession Rules, 1960. The said Rule-54 reads as hereunder:

Rule 54: Application for revision:

(1) Any person aggrieved by an order made by the State Government or other authority in exercise of the powers conferred on it by the Act or these Rules may, within three months of the date of communication of the order to him apply to the Central Government in triplicate in Form N, for revision of the order. The application should be accompanied by [a Bank draft for five (thousand) rupees on a nationalized Bank in the name of 'Pay and Accounts Officer, Department of Mines', payable at New Delhi or through a treasury challan for five (thousand) rupees under the Head of Account-0853 Non-Ferrous Mining and Metallurgical Industries 102 Mineral Concession Fees, Rents and Royalities].

Provided that any such application may be entertained after the said period of (three months) if the applicant satisfies the Central Government that he had sufficient cause for not making the application within time.

(2) In every application under sub-rule (1) against the order of a State Government refusing to grant a prospecting licence or a mining lease, any person to whom a prospecting licence or mining lease was granted in respect of the same area or a part thereof shall be impleaded as a party.

(3) Along with the application under sub-rule (1) the applicant shall submit as many copies thereof as there are parties impleaded under sub-rule (2).

On receipt of the application and the copies thereof, the Central Government shall send a copy of the application to each of the parties impleaded under sub-rule (2), specifying a date on or before, which he may make his representations, if any against the revision-application.

5. In the light of the facts and circumstances, since the impugned order was made without proper application of mind, this court is not inclined to express any opinion relating to the merits and demerits of the matter, the impugned order is hereby set aside and the matter is remanded to the first respondent to reconsider the whole issue in the light of the provisions specified supra and also facts and circumstances of the case, at the earliest point of time, preferably within a period of six weeks from the date of receipt of this order.

6. The writ petition is disposed of at the stage of admission. No costs.

JUSTICE P . S .
NARAYANA .
27/11/2007.

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NB:

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B/o IsL.